

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

In re:	)	
	)	Chapter 11
TELEGLOBE COMMUNICATIONS	)	
CORPORATION, et al.,	)	Bankr. Case. No.
	)	02-11518-MFW
Debtors.	)	
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	)	
TELEGLOBE COMMUNICATIONS	)	
CORPORATION, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civ. No. 04-1266-SLR
	)	
BCE INC., et al.,	)	
	)	
Defendants.	)	

O R D E R

At Wilmington this 23d day of March, 2005, having reviewed defendants' motion to dismiss and heard oral argument on the same;

IT IS ORDERED that said motion (D.I. 5) is denied. By its motion to dismiss, defendants are asking the court to ignore the allegations contained in the complaint and find in their favor based on multiple appendices containing over two thousand pages of documents, all filed before any discovery had been conducted in the context of a bench trial where summary judgment motions are not entertained unless the parties have agreed to the facts

and the only issues are those of law. In this case, even the analysis regarding which law should apply is fact intensive. This simply is not an appropriate case for disposition at this stage of the proceedings on a motion to dismiss<sup>1</sup> and I decline to do so.

  
\_\_\_\_\_  
United States District Judge

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<sup>1</sup>Pursuant to Fed. R. Civ. P. 12(b)(6), the court is bound to accept the facts as pled in the complaint, to draw all reasonable inferences in favor of the plaintiffs, and to grant the motion only if no relief may be awarded under any set of facts consistent with the allegations of the complaint. See Trump Hotels & Casino Resorts, Inc. v. Mirage Resorts, Inc., 140 F.3d 478, 483 (3d Cir. 1998).